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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,156	09/18/2006	Anders Bjork	19200-000067/US	7556
30/593 7550 08/18/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER WILLIAMS, MONICA L				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,156

**Applicant(s)**

BJORK ET AL.

**Examiner**

MONICA L. WILLIAMS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-8, 10-11, 14-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van der Lely et al (5,778,820).
3. In re claims 1 and 14, with reference to col.1 lines 25-40, col.6 lines 46-48, and the abstract, Van der Lely et al. disclose a milking station for milking animals including an entry (col.5 line 44) provided for allowing a milking animal to enter the milking station, a milking machine (6) provided for milking the milking animal, a first feeding device (15) provided for feeding the animal intermittently or continuously with feed, wherein the first feeding device is provided for terminating the feeding of the animal at a non-final stage of milking in order to secure that the animal has terminated to consume the feed when the milking is finished. Given the structure, the claimed method steps would be inherently performed.
4. In re claims 2 and 15, with reference to col.1 line 65-66 and col.2 lines 3-5, Van der Lely et al disclose a cleaning device for cleaning the teats of the animal, a device for applying teat cups (9) to the teats of the animal, and a device provided for drawing milk from the milking animal, and the first feeding device is provided for terminating the feeding of the animal at a non-final stage of milking which depends on action performed

by the cleaning device, the device for applying teat cups to the teats, and the device for drawing milk from the animal. Given the structure, the claimed method steps would be inherently performed.

5. In re claims 3 and 16, with reference to Figure 1 and the abstract, Van der Lely et al disclose the milking machine is provided for drawing milk individually from each of the teats of the animal (shown in Figure 1, individual teat cups), and the first feeding device is provided for terminating the feeding of the animal at a non-final stage of milking which depends on actions performed by the milking machine. Given the structure, the claimed method steps would be inherently performed.

6. In re claims 4 and 17, with reference to the abstract, Van der Lely et al disclose the non-final stage of milking, at which the feeding of the animal is terminated, is a stage when the drawing of milk individually from the teats of the animal is finished for one, two, or three of the teats of the animal. Given the structure, the claimed method steps would be inherently performed.

7. In re claim 7, with reference to col.1 lines 30-40 and col.2 lines 25-30, Van der Lely et al disclose a time left to complete the milking is determined repeatedly during the milking, and non-final stage of milking at which feeding is terminated is selected as a stage of milking, at which a selected time is left to complete the milking.

8. In re claim 10, with reference to Figure 1 and the abstract, Van der Lely et al disclose the method is performed individually for each milking animal to enter the milking station.

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9. In re claims 11 and 20, with reference to col.1 lines 16-23, Van der Lely et al disclose the milking station is an automated system, the milking machine is an automatic milking machine, the first feeding device is an automatic feeding device, and the method is performed automatically.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-6 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Lely et al (5,778,820) in view of Van der Lely et al (5,769,023).

12. In re claims 5-6 and 18-19, Van der Lely et al ('820) disclose the claimed invention except for determining an expected milk yield.

13. However, with reference to col.3 lines 52-65, Van der Lely et al ('023) disclose a method of feeding cows during milking wherein an expected milk yield is determined for each of the teats of the animal, the non-final stage of milking, at which feeding is terminated, is selected as a stage of milking, at which a selected percentage of any expected milk yields has been drawn from the animal. The advantage of this is to not under-milk or over-milk the animal.

14. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the milking system of Van der Lely et al ('820)

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with the determining of an expected milk yield as taught by Van der Lely et al ('023) in order to not under-milk or over-milk the animal.

15. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Lely et al (5,778,820) in view of Van den Berg (6,263,832).

16. In re claim 8, Van der Lely et al disclose the claimed invention except for the time left to complete milking being calculated based on an expected milk yield.

17. However, with reference to col.2 lines 16-21, Van den Berg discloses a method of automatically feeding and milking animals wherein the time left to complete milking, which is determined repeatedly during milking, is calculated each time based on an expected yield for the animal. The advantage of this is to not over-milk or under-milk the animal.

18. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the milking system of Van der Lely et al ('820) to calculate the time left based on an expected milk yield as taught by Van den Berg in order to not over-milk or under-milk the animal.

19. In re claim 9, Van der Lely disclose the claimed invention except for a second feeding device.

20. However, with reference to col.1 lines 22-29 and col.2 lines 56-58, Van den Berg discloses after an animal has been milked and the food has stopped being supplied, the animal leaves the milking station and goes to a further feeding station, the animal is then fed at that feeding station for a predetermined amount of time. The advantage of

this is to feed animals that may still need more food after the feeding and milking session.

21. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the milking system of Van der Lely et al ('820) to include a second feeding device as taught by Van den Berg in order to feed animals that may still need more food after the feeding and milking session.

22. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Lely et al (5,778,820) in view of Birk et al (6,543,381).

23. In re claims 12 and 13, Van der Lely et al disclose a computerized system for controlling and monitoring a milking station. Not disclosed is the computer program product.

24. However, with reference to col.3 lines 6-8, Birk et al disclose a computerized system for controlling and monitoring a milking station with associated software. The advantage of this to run the program on the computer.

25. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the computer system of Van der Lely et al ('820) to include a computer program product as taught by Birk et al in order to run the program on the computer.

### ***Response to Arguments***

26. Applicant's arguments filed 05/22/2008 have been fully considered but they are not persuasive. In response to applicant's argument that Van der Lely does not disclose terminating feeding of the milking animal at a non-final stage of milking in order to

secure that the milking animal has terminated to consume feed when the milking is finished, this argument is not persuasive because, with reference to the abstract, Van der Lely discloses that the feed is "distributed at least substantially uniformly over the actual feeding period so dispensing of fodder terminates and the feeding period ends approximately at the same time that the milking operation ends". This clearly suggests that under some circumstances the dispensing of feed terminates before the feeding period ends before the milking period ends.

### ***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MONICA L. WILLIAMS** whose telephone number is (571)270-3113. The examiner can normally be reached on Mon to Fri 6:00-3:30, Alternate Friday off, EST.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3644

MW 08/06/2008